

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 MICHAEL DONALD PERKINS,

12 Plaintiff,

13 v.

14 RICHARD S. KEMALYAN, *et al.*,

15 Defendants.  
16  
17

) Case No. CV 09-7439 DDP (JCG)

) ORDER ADOPTING REPORT AND  
) RECOMMENDATION OF UNITED  
) STATES MAGISTRATE JUDGE

18 Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the entire record  
19 and the Magistrate Judge's Report and Recommendation. Plaintiff filed no  
20 objections to the Report and Recommendation.

21 Accordingly, IT IS ORDERED THAT:

- 22 (1) The Report and Recommendation is approved and adopted.  
23 (2) Judgment shall be entered dismissing this action without prejudice to  
24 Plaintiff reasserting the claims set forth in the First Cause of Action of  
25 the Third Amended Complaint in a subsequent action in the event that  
26 Plaintiff's conviction is later invalidated. All other

27 //

28 //

1                   claims are dismissed with prejudice.

2                   IT IS FURTHER ORDERED THAT the Clerk serve copies of this Order and  
3 the Judgment on the parties.

4  
5 Dated: March 31, 2011

A handwritten signature in cursive script, reading "Dean D. Pregerson", written in black ink. The signature is positioned above a horizontal line.

HON. DEAN D. PREGERSON  
UNITED STATES DISTRICT JUDGE